DOCKET NO.: CING-0619/769.US
Application No.: 10/028,573
Office Action Dated: July 30, 2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Claims 1-5, 18-28 and 30 are pending in the present application, with claims 1, 18 and 25 being the independent claims. Claims 1, 18, and 25 have been amended. No new matter has been added. In the Final Rejection dated July 30, 2007, claims 1-5, 18-28 and 30 stand rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance.

Rejection of Claims under 35 U.S.C §103

In the Final Rejection, claim 1 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,991,410 issued to Albert et al. (hereinafter referred to as "Albert") in view of U.S. Patent No. 5,889,781 issued to Eftimakis et al. (hereinafter referred to as "Eftimakis") in further view of U.S. Patent No. 5,717,689 issued to Ayanoglu (hereinafter referred to as "Ayanoglu"). Claim 18 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Albert in view of Eftimakis in further view of Ayanoglu as applied to claim 1, in further view of U.S. Patent No. 5,060,266 issued to Dent (hereinafter referred to as "Dent"). Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Albert in view of U.S. Patent No. 5,243,653 issued to Malek et al. (hereinafter referred to as "Malek") in further view of Dent. Applicants respectfully traverse these rejections and submit that Albert does not teach the elements of these claims as currently amended.

In the rejection of claim 1, the Final Rejection asserts that Albert discloses a particular control message wherein the control data is used to provide at least one other function related to the setup of a wireless communication. Applicants respectfully disagree and have amended claim 1 to further clarify the claimed subject matter. Amended claim 1 recites, in relevant part, "wherein the particular control message indicates that a process of establishing a wireless communication connection is being completed". As noted by the Examiner in the Final Rejection on page 12, Albert discloses that the control message contains flags for encryption and compression, which the Final Rejection asserts are related to the setup of a wireless communication. Because Albert's flags are used in each frame received by the wireless adapter, they are by definition present throughout the communication, and thus cannot function as

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indicators of whether a process of establishing a wireless communication connection is complete. Therefore, Applicants submit that Albert does not disclose, in the cited section or elsewhere, that the particular control message indicates that a process of establishing a wireless communication connection is complete.

The Final Rejection further asserts that Albert discloses initializing the cryptosystem and using the cryptosystem to encrypt the message for transmission. Applicants respectfully disagree. Applicants note that the rejection does not make reference to a portion of claim 1, which recites "initializing the cryptosystem **using a key**". The cited portion of Albert (column 16, lines 55-67) teaches that if an encryption flag is set, then the wireless adapter encrypts the data frame. Albert further mentions types of encryption. However, Albert does not disclose the initialization of an encryption system, and does not mention keys. Detection of a flag indicating encryption is not the same as initializing a cryptosystem. Moreover, an encryption flag is merely an indicator, and cannot be equated with a key used to initialize a cryptosystem. In contradistinction, claim 1 recites "initializing the cryptosystem using a key".

The Final Rejection also asserts that Albert discloses if the unencrypted control data contains the particular unencrypted control message, initializing the cryptosystem using the key. Applicants respectfully disagree. The cited section of Albert (column 17, lines 17-23) teaches to look for an encryption flag, and if such a flag is present, decrypt the data frame. Here again, Albert does not disclose the initialization of an encryption system, and does not mention keys. As previously stated, detection of a flag indicating encryption is in use is not the same as initializing a cryptosystem, and an encryption flag is merely an indicator, and cannot be equated with a key used to initialize a cryptosystem. In contradistinction, claim 1 recites "if the unencrypted control data contains the particular unencrypted control message, initializing the cryptosystem using the key".

Applicants respectfully assert that Eftimakis and Ayanoglu fail to cure these deficiencies of Albert. In order for a combination of references to render obvious claim 1, they must teach or suggest all of the recited elements. Applicants respectfully submit that Albert in view of Eftimakis in further view of Ayanoglu does not. Because Albert, Eftimakis, and Ayanoglu, either separately or in combination, do not disclose each and every element of claim 1, they cannot render obvious claim 1. Accordingly, Applicants respectfully

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submit that claim 1 is allowable over the cited art, and request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a).

Claims 18 and 25 have been amended in a similar fashion as claim 1 to further clarify that the particular unencrypted control message is used according to a wireless communication protocol to indicate that a process of establishing a wireless communication connection is complete. Independent claims 18 and 25 are rejected over Albert on substantially the same grounds as claim 1. Accordingly, Applicants assert that the aforementioned arguments provided in response to the rejection of claim 1 also apply to the rejection of claims 18 and 25. Therefore, Applicants submit that claims 18 and 25 are allowable for the same reasons as claim 1, and respectfully request reconsideration and withdrawal of the rejection of claims 18 and 25 under 35 U.S.C. §103(a).

Applicants acknowledge that the Office Action establishes additional grounds for rejection of the claims that are dependent upon claims 1, 18 and 25. However, in view of the amendments and traversals set forth with respect to the independent claims, Applicants believe that all such dependent claims are in condition for allowance, rendering the rejection of those claims moot. Applicants believe that this response completely and accurately addresses all grounds of rejection. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

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CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application, including claims 1-5, 18-28 and 30, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: October 30, 2007

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